

Rankin & Taylor

Attorneys at Law

11 Park Place, Suite 914
New York, NY 10007

David@DRMTLaw.com
Phone: 212-226-4507
Fax: 212-658-9480

VIA ECF ONLY

September 18, 2013

Hon. Viktor V. Pohorelsky
United States Magistrate Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: **Lloyd Maitland v. The City of New York, et al.**
13-CV-2807 (WFK) (VVP)

Dear Hon. Judge Pohorelsky:

Please find attached a decision by the New York State Supreme Court Justice Dineen A. Riviezzo related to the grand jury minutes used in the prosecution of the criminal case against Mr. Maitland. The application for the grand jury minutes was directed to the Court that oversaw the Grand Jury action because, as Your Honor notes in *Williams v. The City of New York, et al.*, 07 CV 5362 (NG)(VVP), 2008 WL 5423219, at *2 (E.D.N.Y. Dec. 29, 2008), “comity requires that any such application must in the first instance be directed to the state court under whose auspices the grand jury proceedings were conducted.”

In the As Your Honor will note, the State Court has directed the grand jury minutes be submitted to the District Court *in camera* for review of the extent and timing of any disclosure. The claim that the State Court focused on was Mr. Maitland’s state law malicious prosecution claim. I will note Justice Riviezzo concluded, “[a]s perjury or false testimony before the Grand Jury must be established in *cases such as the present case*, it would appear that disclosure of Grand Jury minutes would be warranted in an appropriate case to establish a malicious prosecution claim under New York law.” *In the*

Hon. V. Pohorelsky
September 18, 2013
Page 2 of 2

Matter of Lloyd Maitland, Sup Ct, Kings County, September 9, 2013, Riviezzo, J., Indt. No. 2312/2011 at 5 (*emphasis added*). Should Your Honor desire briefing on these issues, plaintiff and defense counsel could propose a briefing schedule.

If you have any questions about this matter, please feel free to contact us.

Very best regards,



David B. Rankin

DBR/

Enclosure

cc: Assistant Corporation Counsel (via ECF only)
Justice Riviezzo (via fax only)
A.D.A. Maria Park (via fax only)
Client